REMARKS

Claims 1 through 20 are pending in this application. The Applicant appreciates the Examiner's indication of allowance concerning claims 5, 7 through 11 and 16 through 20.

I. CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1, 3, 4, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Berner (US 5,267,178). The Applicant respectfully traverses.

A. Berner fails to disclose the use of the display data channel of the monitor.

As shown below, Berner invention never discloses even a display data channel of a monitor.

Berner discloses a <u>spectrophotometer</u>. Berner in col. 1, lines 30-35, mentions the problems with earlier spectrophotometer which is the cumbersome nature of entry of complex data via the keyboard into the photometer. Fig. 1 discloses the spectrophotometer of the Berner patent, which including the spectrophotometer itself (SPM) having a serial interface and a bar code reader BCR. The photometer SPM includes a CPU 2, keyboard 5, an optical display unit 6 for the measuring results and messages of the CPU 2. col. 3, lines 1-8. The serial interface is connected to the bar code reader BCR.

A spectrophotometer is an instrument used for measuring the transmission or reflection of light by comparing various wavelengths of the light. According to col. 3, lines 55-68, since the spectrophotometer requires the entry of complex keys, the bar code reader is used to enter the complex keys.

According to col. 3, line 68 to col. 4, lines 1-8, the CPU 2 detects whether the reader is connected with the interface and receives and interprets data supplied to it by the bar code reader BCR.

According to col. 4, lines 29-32 and lines 42-50, upon actuation of a key, the CPU 2 is briefly activated to perform an operation and display the result on the display means 6. The computer CPU 2 ascertains whether the bar code reader BCR is connected with the spectrophotometer or not. If it is not, then the CPU is turned off and put in a standby state and the display is turned off. col. 4, lines 47-62.

According to col. 5, lines 21-25, if a reading or transmission error is detected (box 115), an appropriate error signal is sent to the display device 6. If the control data is complete, then an OK signal is sent to the display device 6.

As seen here in Berner, the display is only used to display information for the spectrophotometer such as an error in reading to transmitting the configuration signals. The display data channel of the monitor is never inputted, only the configuration keys of the spectrophotometer is entered.

According to col. 5, lines 45-54, each code strip that is read by the bar code reader contains a defined stop signal, the information, a check sum and defined stop signals. By means of the check sum, the bar code reader is able to automatically recognize whether the code strip had been read correctly and sends a corresponding signal to the computer CPU 2 of the spectrophotometer SPM.

As seen in col. 6, lines 1-5, Figs. 4-7 show examples of control data in the form of bar codes which actuate the functions "actuate instrument permanently", "trigger signal", "set parameters" and

"reset display" in the spectrophotometer.

These are the only control signals given, but these do not concern the display data channel. Control data of the spectrophotometer is not the same as the display data channel of a monitor. The exact invention as arranged in the claim must be disclosed in Berner only for a 35USC§102 rejection. The high standard of 102 must be met.

According to col. 6, lines 14-24, the transfer process includes reading of the code by the bar code reader BCR and transferring to the computer CPU 2 of the spectrophotometer. The CPU stores the transmitted codes and issues request signals for reading in of missing or erroneous parts and acknowledges each successful and correct entry operation acoustically.

As shown above, Berner never mentions a display data channel. According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Every element must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (CAFC 1989). The identical invention must be shown in as complete detail as is contained in the patent claim. *Id.* However, here the identical invention as arranged in the claims is not disclosed by Berner. Only the control signals for a spectrophotometer are disclosed.

The Applicant respectfully submits that the Examiner may be misunderstanding of what a display data channel (DDC) of monitor is and therefore misapplying Berner in a 35USC§102 rejection.

B. The interface section is not disclosed by Berner as claimed in the present invention.

The Examiner states that Berner discloses an interface section (SIF) as shown in col. 4, lines 53-47. However, the SIF which stands for "<u>serial interface</u>" is not *indicating whether the display data channel of the monitor is inputted into the computer and <u>outputting</u> a voltage signal reflective of an originally inputted voltage signal, the outputted voltage signal is switched at a different time according to a result of inputting the display data channel.* The serial interface SIF 7 is just that, only a serial interface that connects through cable K, the spectrophotometer SPM and the bar code reader BCR.

First, the Applicant, respectfully asks the Examiner of how does the "serial interface" SIF 7 *indicates* whether the <u>display data channel</u> of the <u>monitor</u> is inputted into the computer?

In the Examiner's arguments, the examiner argues that the computer CPU 2 receiving the message the bar code reader BCR is connected or not (col. 4, lines 53-67) is disclosing the interfacing section indicating whether the display data channel of the monitor is inputted into the computer as mentioned in paper no. 30 and paper no. 32.

However, looking at col. 4, lines 47-54, it is "The computer 2 next ascertains whether the bar code reader BCR... is connected with the interface connector SIF...by sending a predetermined signal to the bar code reader, which then responds with a preset message. If the computer receives the message, the reader is connected." Therefore, it is the CPU 2 that sends the message to the bar code BCR reader and its feedback back to the CPU 2. Nowhere is there a disclosure that the <u>interfacing</u>

section SIF of Berner actually indicates whether the display data channel of the monitor is inputted.

Furthermore, the connection or the disconnection of the bar code reader does not disclose the actual input of the display data channel. Claim 1 is stating, _indicating whether the display data channel of the monitor is inputted_ and not whether for example the input device is connected or not.

Second, respectfully, the Applicant further asks the Examiner of how does the serial interface (SIF) of Berner outputs a voltage signal reflective of an originally inputted voltage signal where the outputted voltage signal is switched at different time according to a result of the display data channel? The Examiner cites col. 4, lines 53-67 which states that if the computer receives the message, the bar code reader BCR is connected.

First of all, again, the claimed invention is not mentioning the connection or disconnection of the input device, but of the input of the display data channel. Secondly, in col. 4, line 53, a "preset message" is responded by the bar code reader to the computer, but this "preset message" is not the same as "a voltage signal reflective of an originally inputted voltage signal" or where the outputted voltage signal is switch at a different time according to the result of the display data channel." There is clearly no such disclosure.

C. Berner fails to disclose a controller determining whether or not the result of inputting the display data channel is correct.

Berner in col. 5, lines 45-54, discloses that "Each code strip that is read by the bar code reader contains a defined stop signal, the information, a check sum and defined stop signals. By means of the check sum, *the bar code reader is able to automatically recognize* whether the code strip had been read correctly and sends a corresponding signal to the computer" CPU 2 of the spectrophotometer SPM.

First of all, as shown above, the display data channel is not involved in Berner.

Second, it is the bar code reader that *automatically* recognizes whether the code strip has been read correctly or not instead of CPU 2 making such a determination. The examiner stated that the driving device is the CPU 20 of the bar code reader and the controller is CPU 2 of the spectrophotometer SPM, but then under this analysis of the Examiner, it is not the CPU 2 making the determination but the bar code reader BCR.

II. REJECTION OF CLAIMS (35 U.S.C. § 103)

Claims 2, 6 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berner in view of Keiji (previously cited). The Applicant respectfully traverses.

The Examiner mentions a motivation to combine Keiji and Berner as "It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the mouse taught by Keiji for Berner's input device because this would provide the operator with visual feedback to

verify the mouse and thereby saving time and money on mistake scanning."

However, looking at Keiji, both the mouse block 48 and an image scanner block 49 is shown but no such motivation is mentioned in either Keiji or Berner of modifying Berner to have a mouse. The teaching or suggestion to make the claimed combination and the reasonable expectation of success <u>must both be found in the prior art</u> and not based on applicant's disclosure according to MPEP §706.02(j).

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

A fee of $110.00 is incurred by filing of a petition for one month extension of time.

Applicant's check drawn to the order of the Commissioner accompanies this Response. Should the

check become lost or detached from the file, the Commissioner is authorized to charge Deposit

Account No. 02-4943 and advise the undersigned attorney accordingly. Also, should the enclosed

check be deemed to be deficient or excessive in payment, the Commissioner is authorized to charge

or credit our deposit account and notify the undersigned attorney of any such transaction.

Respectfully submitted,

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